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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

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THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES DAVID BELL,

Defendant and Appellant.

C080194

(Super. Ct. No. 15F04714)

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We affirm.

**FACTUAL AND PROCEDURAL BACKGROUND**

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 123-124.)

Defendant James David Bell entered a plea of no contest to possession of methamphetamine for sale (Health & Saf. Code, § 11378) in exchange for formal

probation for a term of five years subject to certain terms and conditions including 180 days in county jail. On August 3, 2015, defendant possessed methamphetamine and an expert, if called to testify, would opine that the methamphetamine was possessed for sale. The court suspended imposition of sentence and granted probation in accordance with the plea agreement.

### **WENDE REVIEW**

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

We have noticed an error in the minute order. The trial court orally stated that defendant was awarded credit of nine actual days and eight conduct days for a total of 17 days towards the 180-day jail term. The minute order and order of probation states: “Defendant shall receive credit for time served of 9 days.” It appears the minute order should be corrected to include the eight conduct days to reflect the oral pronouncement of judgment. (*People v. Mitchell* (2001) 26 Cal.4th 181, 185.)

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

### **DISPOSITION**

The trial court is directed to prepare a corrected order of probation to reflect eight conduct days for a total of 17 days of credit towards defendant’s 180-day jail term and to

forward a copy of the corrected order of probation to the necessary parties. The judgment (order of probation) is affirmed.

\_\_\_\_s/MURRAY\_\_\_\_, J.

We concur:

\_\_\_\_s/BLEASE\_\_\_\_, Acting P. J.

\_\_\_\_s/HULL\_\_\_\_, J.